

# Exhibit D

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MARYLAND

3 -----x

4 SALLY TARQUINIO, :

5 Plaintiff, :

6 vs. : Case No.

7 JOHN'S HOPKINS UNIVERSITY : 1:23-CV-00727

8 APPLIED PHYSICS LAB, :

9 Defendant. :

10 -----x

11  
12  
13 Deposition of CLARANCE LAM

14 Greenbelt, Maryland

15 Friday, October 27, 2023

16 1:38 p.m.

17  
18  
19  
20 Job No.: 510889

21 Pages: 1 - 36

22 Recorded By: Natnael Assefa

Transcript of Clarence Lam  
Conducted on October 27, 2023

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(Retained by Counsel.)

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1 Q Sure. Okay. So the next -- their e-mail  
2 on top of the page is from three days later, October  
3 14th. And this is you responding; correct?

4 A Yes.

5 Q Okay. And you say, Lyme disease is not a  
6 medical contra-indication to receiving the COVID  
7 vaccine. So what did you mean by, not a medical  
8 contraindication? Can you explain it for an  
9 attorney?

10 A Sure. CDC had put out clinical  
11 guidelines on the administration of the COVID  
12 vaccine. And per CDC's guidelines, Lyme disease was  
13 not listed as a reason that an individual could not  
14 be vaccinated for COVID.

15 Q Okay. And was there -- what -- there was  
16 a list online that you can access?

17 A Of -- yes.

18 Q Things that were medically  
19 contraindicated?

20 A Yes.

21 Q Okay. And -- all right. And then you  
22 say -- state, further explanation as to specifically

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1           Q     And about two thirds of the way down she  
2     says -- or you say, She's not -- she has also not  
3     signed a release to communicate with the provider.  
4     As I mentioned earlier, I'm happy to speak with the  
5     outside provider if requested and desired. And --  
6     and then I'll consider this case closed at this  
7     time, et cetera, et cetera. So regarding your  
8     willingness to communicate with the provider,  
9     obviously we're talking about Sally Tarquinio's  
10    provider; correct?

11          A     Yes.

12          Q     Okay. And what was it that you were  
13    offering to speak to the provider about?

14          A     Her medical history in relation to this  
15    accommodation request.

16          Q     Okay. And that was to -- to what  
17    specifically? To what end?

18          A     To be able to understand any specifics of  
19    her condition that would warrant a recommendation of  
20    approval for this exemption.

21                MR. SHIFANELLI: Okay. You can -- give  
22    me that one back. Thank you. All right, hang on a

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1 -- in the line that says, other, it says, Please  
2 provide this information in a separate narrative  
3 that describes the reason, et cetera, et cetera.  
4 And then someone has handwritten in there, Chronic  
5 Lyme disease, plus Lyme induced immune  
6 dysregulation. Do you see that?

7 A Uh-huh.

8 Q All right. And what's immune  
9 dysregulation, do you know what that means?

10 A Immune dysregulation means that the  
11 immune -- the immune system may not be responding to  
12 external factors properly.

13 Q Okay. And so that's a separate  
14 condition, right, immune dysregulation?  
15 Understanding that it could be caused by various  
16 things, but it is a -- it -- it is -- immune  
17 dysregulation is an identifiable condition; is that  
18 true? Or is that a fair --

19 A I am not certain. And this is where it  
20 would've been helpful to speak to a specialist  
21 involved in this.

22 Q Certainly. And the fact that we're -- on

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1 one side of this equation we've got immune  
2 dysregulation, and just in front of that we sort of  
3 have this predicate -- a predicate Lyme induced. So  
4 in -- in sum it's Lyme induced immune dysregulation.  
5 Can we make the inference that immune dysregulation  
6 could be caused by other things besides Lyme, or  
7 induced by other things besides Lyme?

8 MR. ROSS: Object to the characterization  
9 of the document. But you can answer.

10 THE WITNESS: So as -- as I mentioned  
11 earlier, it would be -- it would have been helpful  
12 to have been able to speak with a specialist that is  
13 -- that has deeper expertise in immune  
14 dysregulation. Immune dysregulation could be -- it  
15 could be more of a -- a symptom. It's not  
16 necessarily a disease on its own as a standalone.  
17 It really depends on how one defines immune  
18 dysregulation. Right, if somebody says that they  
19 have a cough, that's a symptom. But, you know, I  
20 guess somebody could define it as a -- as a -- as a  
21 condition as well.

22 BY MR. SHIFANELLI:

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1 Q Certainly.

2 A And so it would've been beneficial to  
3 have a deeper level of understanding of how what she  
4 put here connects with her accommodation request.

5 Q Okay. And -- but the question was, so  
6 immune dysregulation could be caused by HIV virus,  
7 right, in the body? Or some other virus not  
8 remotely related to Lyme disease; is that a fair  
9 statement?

10 A There can be a lot of different reasons,  
11 I think, for immune dysregulation.

12 Q Okay. Fair enough. Now, let's see.  
13 Okay. You can give me that back. Thank you.

14 A Sure.

15 Q Got it. During your -- you communicated  
16 with Shawn McGruder and/or Ms. Bunda-Lee on several  
17 occasions regarding Ms. Tarquinio; correct?

18 A Correct.

19 Q Okay. And obviously in October, November  
20 2021 time frame; correct?

21 A Correct.

22 Q Okay. And at any time did Ms. Bunda-Lee



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1 some individuals to be granted those medical  
2 exemptions, and beyond that point, I'm not sure what  
3 the follow-up was with them.

4 Q Sure. Right.

5 A But in -- in this instance, because we  
6 didn't have any documentation or ability to a  
7 release to be able to speak with the provider, we  
8 weren't able to continue the full evaluation of her  
9 request.

10 Q All right. Okay, I think -- yeah, this  
11 is the last document so, we're getting close. Can I  
12 have this marked as Exhibit number 4.

13 MR. ROSS: Yep.

14 MR. SHIFANELLI: There you go.

15 MR. ROSS: Thank you.

16 (Exhibit 4 was marked.)

17 BY MR. SHIFANELLI:

18 Q Okay. I'm going to hand you what's been  
19 marked as Exhibit number 4.

20 A Okay.

21 Q Take a look at that. Just let me know  
22 when you're ready.

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1           Q     Okay. And would it be fair to say that  
2     -- that that count, that CD57, and that count of 56,  
3     assuming that it's correct, to say that it suggests  
4     that there's an immune deficit would be technically  
5     accurate?

6           A     I don't know.

7           Q     Okay.

8           A     I'm not the immune specialist here.

9           Q     All right.

10          A     This is where it would've been helpful to  
11     -- those would've been questions that we would've  
12     asked of her provider, had we been given  
13     authorization to communicate with them.

14          Q     I understand. I -- I got that. Okay.  
15     So this e-mail was sent to you on December 5th. I  
16     don't know how to phrase this. So I -- I guess it  
17     didn't affect your opinion that there was not enough  
18     documentation to -- to support the -- her request  
19     for accommodation?

20          A     I reviewed the information and had  
21     follow-up questions for her provider but, as I  
22     mentioned, wasn't able to communicate with them, so

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1 that release, all we could rely on was documentation  
2 that was almost 10 years old.

3 Q Okay. So during the period of October,  
4 say through December of 2021, how many requests did  
5 you receive from the -- from the accommodations  
6 coordinator, or her office?

7 A I don't have an exact count.

8 Q No. You don't have to. Just a estimation.

9 A You mean in just those two months time  
10 period, or during the pandemic?

11 Q October 1st to December 31st.

12 A We would probably average a handful of  
13 accommodation requests per month.

14 Q And do you recall reaching out to any  
15 providers for other requesters?

16 A Yes, pretty routinely.

17 MR. SHIFANELLI: Okay. All right. Let  
18 me see a couple of things, perhaps. That's it.  
19 Follow up?

20 EXAMINATION BY COUNSEL FOR THE DEFENDANT

21 BY MR. ROSS:

22 Q Yeah, briefly. Dr. Lam, as you know, my

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1 providers in that context; is that correct?

2 A Yes.

3 Q Are there -- were there any APL employees  
4 where you stated that you needed additional  
5 information, were authorized to speak to their  
6 medical provider, and then later recommended that  
7 they be given the exemption?

8 A Yes.

9 Q Dr. Lam, are you an expert in Lyme's  
10 disease?

11 A No, I would not consider myself an expert  
12 in Lyme's disease.

13 Q Are you an expert in Lyme induced  
14 immunodeficiency disorder?

15 A No.

16 Q Are you an expert in immuno dysregulation?

17 A No.

18 MR. ROSS: Okay. I'm going to -- can you  
19 give Dr. Lamb Exhibit 2, please?

20 MR. SHIFANELLI: Sure. Here we go.

21 BY MR. ROSS:

22 Q So Dr. Lam, take a minute to refresh

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1     yourself. Do you recall being handed this document  
2     earlier in your deposition?

3           A     Yes, I was handed this document earlier  
4     in the deposition.

5           Q     Okay. I'll proffer that this has been  
6     previously marked as Lam Exhibit 2. It is Bates  
7     stamped JHU00081. Dr. Lam, on the -- the top  
8     e-mail, sort of towards the end of the paragraph, it  
9     says, She has also not signed a release to  
10    communicate with the provider. Do you see that?

11          A     Yes.

12          Q     Were you permitted to communicate with an  
13    employee's medical provider without their signed  
14    release form?

15          A     No. We could only then utilize  
16    documentation that had been provided.

17          Q     And it says -- the next sentence says, As  
18    I mentioned earlier, I am happy to speak with the  
19    outside provider if requested or desired. Do you  
20    see that?

21          A     Yes.

22          Q     And did you speak with Ms. Tarquinio's

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1 outside provider?

2 A No.

3 Q And why not?

4 A I did not have authorization to  
5 communicate with that provider.

6 Q So you did not speak to her outside  
7 provider because she had not signed the  
8 authorization form allowing you to do so?

9 A Right. I was not authorized to speak to  
10 the outside provider because the employee did not  
11 sign a release for me to do so.

12 Q And you -- that same sentence says, I am  
13 happy to speak with the outside provider if  
14 requested or desired. Is it a fair read of that  
15 e-mail, that had she signed that form, you would  
16 have been willing to speak to her provider?

17 A Yes.

18 MR. ROSS: I don't believe I have any  
19 further questions. Anything?

20 MR. SHIFANELLI: No. Nothing else.

21 MR. ROSS: Okay. All right, we're off  
22 the record?

# **Dr. Lam's Deposition**

## **Exhibit 1**

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**From:** Clarence Lam <ckl@jhu.edu>  
**Sent:** Thursday, October 14, 2021 10:47 AM  
**To:** Bunda-Lee, Elizabeth A.; Lam, Clarence  
**Cc:** +Medical Office; Accommodations Coordinator  
**Subject:** [EXT] Re: Medical Accommodation Request – Tarquinio (Sally)—Medical Consult Needed

APL external email warning: Verify sender prvs=9142b4c0a=ckl@jhu.edu before clicking links or attachments

Lyme disease is not a medical contraindication to receiving the Covid vaccine. I believe there is insufficient justification in this documentation to accept this request. Further explanation as to specifically why her Lyme diagnosis would preclude her from being vaccinated would need to be submitted.

Thanks,  
-Clarence

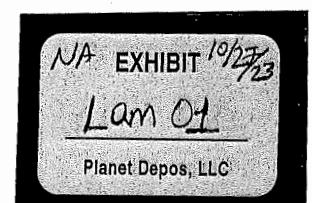
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**From:** Bunda-Lee, Elizabeth A. <Elizabeth.Bunda-Lee@jhuapl.edu>  
**Sent:** Monday, October 11, 2021 2:11 PM  
**To:** Lam, Clarence <Clarence.Lam@jhuapl.edu>; Clarence Lam <ckl@jhu.edu>  
**Cc:** +Medical Office <MedicalOffice@jhuapl.edu>; Accommodations Coordinator <Accommodations-Coordinator@jhuapl.edu>  
**Subject:** Medical Accommodation Request – Tarquinio (Sally)—Medical Consult Needed

Dr. Lam,  
Please review the attached documents. Please note that the letter from the physician and the lab work is from July/August 2012. We did not receive a signed request for medical records form from the staff member. I have just sent an email requesting this form from the staff member.  
Thanks!

*Very Respectfully,  
Liz Bunda-Lee*

Liz Bunda-Lee  
Deputy Accommodations Coordinator  
office: 443-778-6155  
elizabeth.bunda-lee@jhuapl.edu





**From:** Lam, Clarence  
**To:** Bunda-Lee, Elizabeth A.; McGruder, Shawn S.  
**Subject:** RE: I love my job! - my request for a medical accommodation submitted 1 OCT  
**Date:** Monday, October 18, 2021 11:35:38 AM

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Shawn, Liz (I've taken the others off this e-mail thread):

I've had another look at this request. While the provider signed the employee's request form, the documentation that was submitted justifying the request was dated from 2012. I'd be open to reconsidering this again if the employee provides current documentation signed by the provider (or to allow 2-3 more weeks for the employee to submit this). Will defer the final decision on this to you. Feel free to let me know if you have any questions.

Thanks,  
-Clarence

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**From:** Tarquinio, Sally W. <Sally.Tarquinio@jhuapl.edu>  
**Sent:** Thursday, October 14, 2021 4:59 PM  
**To:** Bunda-Lee, Elizabeth A. <Elizabeth.Bunda-Lee@jhuapl.edu>; McGruder, Shawn S. <Shawn.McGruder@jhuapl.edu>; Lam, Clarence <Clarence.Lam@jhuapl.edu>  
**Cc:** Billups, Amy J. <Amy.Billups@jhuapl.edu>; Uy, Geoffrey S. <Geoffrey.Uy@jhuapl.edu>; Quinn, Stephen J. <Stephen.Quinn@jhuapl.edu>  
**Subject:** I love my job! - my request for a medical accommodation submitted 1 OCT

After 16 years at JHU/APL, the prospect of not working here is very unsettling. I LOVE MY JOB! I am happy coming to work. I find the complex technical & process challenges fascinating. Identifying gaps, connecting dots, connecting people, helping ensure quality products, helping to create what has never existed before. Uplifting & empowering world-class team members to shine even brighter. The idea of not being connected to APL is horrific to me.

JHU/APL has become a part of my identify. I love my job. It is home. I love the diversity of talent and expertise. The focus on excellence, and ability to delve deep. Yes I've had different positions on different programs, with varying degrees of complexity/innovation. I thrive on programs requiring vision and rigor. I especially love the hypersonics work, joining the team in January 2021. Yes, even with the tight deadlines; the sponsor challenges for quick answers balanced with rigor. I love the Glide Phase Intercept Program team! It has been an honor & joy to support this much needed program, Geoff Uy and his dynamic JHU/APL team, and the larger MDA team. I love my job!

It greatly saddens me that I feel I am being boxed into a corner. To choose my health, or do what I love.

As I indicated in my request for medical accommodation, I have Lyme-induced immune dysregulation. Immune dysregulation is an excessive immune activation from the years of chronic Lyme Disease, where I overreact against my body's tissues due to the years trying to kill off the Lyme spirochetes. If I introduce another antigen, my body will go crazy due to immune chaos, and most likely a bad outcome.

The diagnosis from Dr. Mark Sivieri M.D. (Laurel, MD) that I included with my medical accommodation request was a God-send. Dr. Sivieri spoke of successes he'd witnessed with certain protocols that he was not yet able to offer. Rather than me going to the West Coast for treatment, I started going to the doctor that trains other doctors on these protocols on the East Coast - Dr. Marc Schwartz D.C. (Jennkintown, PA). Dr. Schwartz's patients typically see 27 doctors, before finding him. Dr. Schwartz had over a 10-month waiting list at that time (same with Dr. Sivieri), with an MD on staff that administered some of the protocols. I also saw Dr. Sivieri several times a year, until it became clear that my protocol (a combination from both doctors) works, and is a life-long protocol for me. I continue to see Dr. Schwartz for a regular checkup.

After 16 years, this is what I hope is a solution for all concerned, while we find ourselves in "rough waters".

- A weekly CDC-approved saliva Covid-19 test administered on-site at a quality facility that I pay out of my own pocket.
- Work on-site for 2 to 5 days a week, and at home the other days.

In gratitude for the opportunities that I've had, and going forward at JHU/APL,

R/ Sally Tarquinio

# **Dr. Lam's Deposition**

## **Exhibit 2**

**From:** Clarence Lam <ccl@jhu.edu>  
**Sent:** Monday, November 29, 2021 12:55 PM  
**To:** Accommodations Coordinator; Lam, Clarence  
**Cc:** +Medical Office  
**Subject:** [EXT] RE: Medical Accommodations Request Follow-up - Tarquinio (Sally) - Medical Consult Needed - additional information

**APL external email warning:** Verify sender prvs=960488aca=ccl@jhu.edu before clicking links or attachments

Shawn and team: Per our discussion of this request from today's meeting and the last prior meeting, it does not appear that there is sufficient documentation to justify a medical accommodation at this time. There is no evidence that Lyme disease should affect an individual's ability to be vaccinated for Covid and it is not a CDC recognized clinical contraindication. The documentation cited by the employee is 9 years old and she is unable to cite or provide more recent documentation from the provider. She has also not signed a release to communicate with the provider. As I mentioned earlier, I am happy to speak with the outside provider if requested/desired. I will consider this case closed at this time, pending any further updates.

Thanks,  
-Clarence

**From:** Accommodations Coordinator <Accommodations-Coordinator@jhuapl.edu>  
**Sent:** Tuesday, November 16, 2021 2:53 PM  
**To:** Lam, Clarence <Clarence.Lam@jhuapl.edu>; Clarence Lam <ccl@jhu.edu>  
**Cc:** Accommodations Coordinator <Accommodations-Coordinator@jhuapl.edu>; +Medical Office <MedicalOffice@jhuapl.edu>  
**Subject:** FW: Re: Medical Accommodations Request Follow-up - Tarquinio (Sally) - Medical Consult Needed - additional information

Dr. Lam,  
I have attached the previous email regarding your review of this case. The staff member did not provide a signed request for medical records. We sent an email to the staff member on 10/19, asking for clarifying information. On Nov 15, we received the email below from the staff member. This email does not provide any more clarity on her diagnosis from nine years ago. Can you please make a final determination based on the information that has been provided by the staff member?  
Thank you!

*Very Respectfully,  
Liz Bunda-Lee*

Liz Bunda-Lee  
Deputy Accommodations Coordinator  
office: 443-778-6155  
elizabeth.bunda-lee@jhuapl.edu

